



2026:UHC:3610-DB

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA
AND

HON'BLE SRI JUSTICE SUBHASH UPADHYAY

12th May, 2026

WRIT PETITION (M/ B) No. 363 OF 2026

Ram Singh Kumatia

.....Petitioner

Versus

Nainital Dug Utpadak Sahkari Sangh Limited and others.

..Respondents

Counsel for the petitioner : Sri Tanmay Tiwari, learned counsel.

Counsel for the respondents : Sri D.C.S. Rawat and Sri Shobhit
Saharia, learned counsel for
respondent Nos. 1 & 2.

JUDGMENT : (Per Sri Manoj Kumar Gupta, C.J.)

1. The present writ petition has been filed assailing the work order dated 17.04.2026 issued by respondent No. 1 in favour of respondent No. 3 for collection and transportation of raw milk from Chhoi and adjoining places to milk depot at Bailparao First (Nayagaon). The petitioner has also prayed for a writ of mandamus directing respondent No. 1 to grant contract in favour of the next lowest bidder.

2. The case of the petitioner is that the bid submitted by respondent No. 3 was non-responsive, inasmuch as he did not have the vehicle registered in his own name. In this regard, reliance has been placed on Condition No. 4 of the e-tender conditions, which reads as follows:-

“4. वाहन का माडल वर्ग 2015 से कम नहीं होना चाहिये। पैन कार्ड, आधार कार्ड, वाहन के पंजीकरण, बीमा, परमिट के वैध प्रपत्रों की स्व प्रमाणित छायाप्रति तकनीकी बिड के साथ अपलोड करना अनिवार्य है



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अन्यथा निविदा निरस्त कर दी जायेगी। वाहन निविदादाता के नाम पंजीकृत होना चाहिये। अपरिहार्य परिस्थितियों में ही पावर आफ अटार्नी मान्य होगी।”

3. It is urged that respondent No. 3 had relied on a power of attorney, but without disclosing any unavoidable circumstance for acceptance of the Power of Attorney.

4. Sri Shobhit Saharia, learned counsel appearing on behalf of respondent Nos. 1 & 2, on basis of instructions, states that the bid of the petitioner was L-3 and, therefore, in any event, he would not get the contract. Therefore, this Court should decline to examine the challenge at the behest of the petitioner. It is further submitted that there were in all three bidders. The details thereof are as follows:

Sl. No.	Name of the Bidders	Rate quoted (In Rs.)
1	Neeraj Adhikari (respondent No. 3 herein) (L1)	31.85 per kilometer
2	Inder Singh (L-2)	33.80 per kilometer
3	Ram Singh (petitioner herein) (L-3)	34 per kilometer
4	Kundan Singh (L-4)	40 Per Kilometer

5. It is submitted that the petitioner and other two bidders are real brothers. They have formed a cartel and are not permitting any other person to bid, or to get the contract, since last ten years. In these circumstances, the Department had accepted the Power of Attorney submitted by respondent No. 3 as his bid was the lowest.



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6. Learned counsel for the petitioner does not dispute that the petitioner and other two unsuccessful bidders, apart from respondent No. 3, are real brothers. It is also not disputed before us that the bid of the petitioner was L-3, and L-2 has not come before this Court raising any challenge to the contract in question. The conditions of e-tender permit acceptance of Power of Attorney in certain circumstances. The Tender Evaluation Committee, having regard to the aforesaid relevant facts, had accepted the Power of Attorney submitted by respondent No. 3.

7. This Court, in exercise of its power under Article 226 of the Constitution, cannot arrogate to itself the power of the Tender Evaluation Committee and decide whether in the given circumstances, the Power of Attorney should have been accepted or not.

8. In view of it, we decline to interfere in the matter. The writ petition is, accordingly, dismissed.

9. Pending application, if any, also stands dismissed.

MANOJ KUMAR GUPTA, C.J.

SUBHASH UPADHYAY, J.

Dt: 12th May, 2026
Rathour

PRAVINDRA
SINGH
RATHOUR